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January 17, 2008

MEMO ENDORSED

VIA HAND DELIVERY

Honorable Richard M. Berman
United States District Court
Southern District of New York
500 Pearl Street, Room 650
New York, New York 10007

SO ORDERED:

Date: 1/17/08

Richard M. Berman
Richard M. Berman, U.S.D.J.

Re: Merck Eprova AG and Merck KGaA v. ProThera, Inc., No. 08 Civ. 0035
(RMB)

Dear Judge Berman,

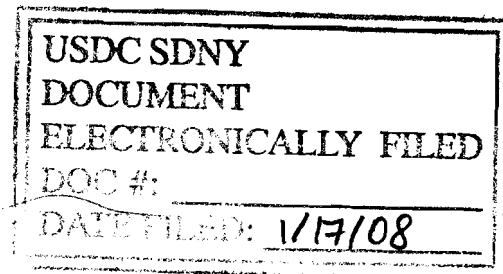
We represent Merck Eprova AG and Merck KGaA (collectively "Merck") in the above-captioned case. Pursuant to Individual Practice Rule (1)(E), the parties jointly request an adjournment of the initial pre-trial conference currently scheduled for February 1, 2008 at 9:15 a.m. This is the first request for an adjournment of the conference.

The parties seek an adjournment until March 14, 2008 or sometime thereafter because Defendant's counsel has agreed to waive service of process under Federal Rule of Civil Procedure 4(d). Accordingly, Defendant has until March 3, 2008 to answer or otherwise respond to Merck's Complaint. Given that Defendant will not be responding to Merck's Complaint until after the pre-trial conference as presently scheduled, the parties respectfully submit that an adjournment of the conference is appropriate.

Thank you for your consideration of this matter.

Respectfully submitted,

Robert E. Hanlon
Robert E. Hanlon



cc: Joshua King, Esq., Counsel for Defendant ProThera, Inc. (via first class mail and email)